

REMARKS

Claims 1-15 are now pending.

Claim Rejections- 35 USC § 102

The Patent Office rejected claims 1-15 under 35 USC § 102(b) as being anticipated by Berglund et al., U.S. Patent No. 6,044,411 (Berglund).

Applicant respectfully traverses the rejection. Applicant respectfully submits that a *prima facie* case of anticipation has not been established for claims 1-15. “[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983) (emphasis added)). Further, the Federal Circuit has stated that:

An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 48 USPQ2d 1321, 1328 (Fed. Cir. 1998) citing *In re Spada*, 911 F.2d 705, 708 15 USPQ 2d 1655, 1657 (Fed. Cir. 1990).

The present invention discloses a novel method for associating SES data with physical devices on a Fibre Channel loop, contrary to Berglund. As stated, under *Lindemann*, each and every element of the claim must be disclosed by Berglund. Claims 1, 6 and 11 include novel and nonobvious elements that have not been disclosed, taught or suggested by Berglund.

For instance, claims 1, 6 and 11 recite removing a data associated with at least one of a SCSI enclosure service device and a drive from a loop map (emphasis added). Berglund does not disclose, teach or suggest removing a data associated with at least one

of a SCSI enclosure service device and a drive from a loop map. The Patent Office asserts this element is taught by changing of a logical address with a reported error. (Office Action of February 3, 2004, Page 2, Last three lines). Applicant respectfully submits that removing a data associated with at least one of a SCSI enclosure service device and a drive from a loop map is not taught by changing a logical address with a reported error. Further, Applicant respectfully submits that the interpretation of a change of logical address means "removed and replaced with a new one" is not supported in any fashion by Berglund.

As the Office is well aware, Applicant is required to seasonably challenge statements by the Office that are not supported on the record. M.P.E.P. §2144.03. Changing of a logical address with a reported error to an interpretation of removing and replacing with a new one is not supported on the record. If the Office is unable to provide such a reference, and is relying on facts based on personal knowledge, Applicants hereby request that such facts be set forth in an affidavit from the Examiner under 37 C.F.R. 1.104(d)(2).

Since removing a data associated with at least one of a SCSI enclosure service device and a drive from a loop map has not been disclosed by Berglund, under *Lindemann*, anticipation of claims 1, 6 and 11 has not been established. Claims 2-5, 7-10 and 12-15 depend from claims 1, 6 and 11, thus a *prima facie* case of anticipation has not been established for claims 1-15. Accordingly, Applicant respectfully submits allowance of claims 1-15.

Additionally, claims 5, 10 and 15 include elements which have not been disclosed taught or suggested by Berglund. Claims 5, 10 and 15 include marking the comparison as ambiguous if more than one match is found. The Patent Office points to Column 8, lines 15-21 as support for its assertion the claims 5 10, and 15 are taught by Berglund. However, this passage does not mention a comparison with more than one match. Consequently, Berglund also fails to disclose, teach, or suggest marking the comparison as ambiguous if more than one match is found. Accordingly, claims 5, 10 and 15 are believed allowable.

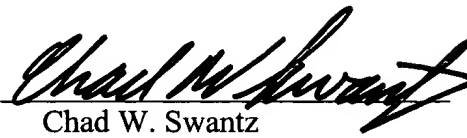
Appl. No. 09/883,139
Reply to Office Action of February 3, 2004

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,
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